

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SOPHEAP PHAT,	:	
	:	
Petitioner,	:	No. 4: CV-07-0630
	:	
v.	:	(McClure, J.)
	:	
ALBERTO GONZALES,	:	(Magistrate Judge Smyser)
	:	
Respondent.	:	

ORDER

August 21, 2007

BACKGROUND:

On March 12, 2007, petitioner Sopheap Phat, an alien in the custody of U.S. Immigration and Customs Enforcement (ICE), filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The petition challenges petitioner's continued detention by ICE.

The matter was initially referred to United States Magistrate Judge J. Andrew Smyser.

On July 26, 2007, Magistrate Judge Smyser filed a three-page report and recommendation. (Rec. Doc. No. 23.) In the report, the magistrate judge noted that the respondent notified the court that the petitioner had been released from ICE custody on an order of supervision. Therefore, the magistrate judge concluded

that the petition challenging petitioner's detention is moot and recommended that the petition be dismissed.

Petitioner has not objected to the magistrate judge's recommendation. We agree with the magistrate judge's conclusion that the petitioner's release has rendered the petition moot. Therefore, we will adopt the magistrate judge's report and recommendation in full and dismiss the petition as moot.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. United States Magistrate Judge J. Andrew Smyster's Report and Recommendation is adopted in full. (Rec. Doc. No. 23.)
2. Petitioner's petition under 28 U.S.C. § 2241 is dismissed as moot.
(Rec. Doc. No. 1.)

s/James F. McClure, Jr.
James F. McClure, Jr.
United States District Judge